

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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THE PROCTER & GAMBLE COMPANY,

Plaintiff,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.  
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) Civil Action No. 08-66-JJF  
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**REQUEST FOR ENTRY OF PROPOSED ORDER OF FINAL JUDGMENT**

Pursuant to the Court's February 28, 2008 Order in Civil Action No. 04-940-JJF and the March 5, 2008 Order on Joint Motion to Stay All Proceedings (D.I. 9) in this action, the Plaintiff, The Procter & Gamble Company ("P&G"), submits the attached Proposed Order of Final Judgment. Notice of this Proposed Order has been provided to the Defendant, Teva Pharmaceuticals USA, Inc. ("Teva").

P&G respectfully requests entry of the attached Proposed Order. Should the Court desire briefing with respect to the injunctive relief requested, P&G will discuss an appropriate briefing schedule with Teva and submit a proposed schedule to the Court for approval.

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Dated: March 13, 2008



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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**


**CERTIFICATE OF SERVICE**

I hereby certify that on March 13, 2008, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing(s) and Hand Delivered to the following:

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I hereby certify that on March 13, 2008, I have sent by Electronic Mail, the foregoing document to the following non-registered participants:

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Civil Action No. 08-66-JJF

**[PROPOSED] ORDER OF FINAL JUDGMENT**

This action having been stayed pending trial in the related action, Civil Action No. 04-CV-940 (JJF), which came to trial in November 2006 before this Court, Honorable Joseph J. Farnan, Jr., District Judge, presiding, and pursuant to the Joint Motion to Stay All Proceedings submitted by the parties on February 26, 2008 (D.I. 7) and entered by the Court on March 5, 2008;

NOW THEREFORE, IT IS ORDERED AND ADJUDGED for the reasons set forth in the Court's Opinion dated February 28, 2008 in Civil Action No. 04-CV-940 (JJF), that Final Judgment is entered in favor of the Plaintiff, The Procter & Gamble Company ("P&G"), and against the Defendant, Teva Pharmaceuticals USA, Inc. ("Teva"), on P&G's claims that Teva has infringed Claims 4, 16, and 23 of U.S. Patent No. 5,583,122 ("the '122 patent");

AND IT IS FURTHER ORDERED AND ADJUDGED that claims 4, 16, and 23 of the '122 patent are valid and enforceable;

AND IT IS FURTHER ORDERED that, pursuant to 35 U.S.C. § 271(e)(4)(A), the effective date of any approval of Teva's Abbreviated New Drug Application No. 79-215 shall be

a date which is not earlier than the date of expiration of the '122 patent, including any extensions and regulatory exclusivities that are granted and not successfully challenged;

AND IT IS FURTHER ORDERED that, pursuant to 35 U.S.C. § 271(e)(4)(B), Teva and its successors-in-interest, officers, agents, servants, employees and attorneys, and those persons in active concert or participation with any of them who receive actual notice of this Order by personal service or otherwise, are hereby enjoined from commercially making, using, offering to sell or selling within the United States, or importing into the United States any products that infringe the '122 patent, including the 75 mg risedronate sodium tablets for treatment or prevention of osteoporosis that are the subject of Abbreviated New Drug Application No. 79-215, until the later of the expiration of the '122 patent (December 10, 2013) or the expiration of any patent term extensions or any regulatory exclusivities that are granted and not successfully challenged.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2008.

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United States District Judge